



CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

Brunswick Ethics Commission Minutes September 21, 2005

Commission Members Present: Chair Jamie Eshbaugh, Vice Chair Carroll Haugh, and Frank Fortkamp.

Mayor & Council Present:

Staff Present: City P & Z Administrator Rick Stup, Temporary Staff Liaison; Jeff Love, Development Review Planner; and Paul Rose, City Attorney

Chairperson Eshbaugh called the meeting to order at 7:00 PM.

Minutes

The minutes of the August 17, 2005 meeting were reviewed and approved. (MOTION by Dr. Fortkamp and seconded by Mr. Haugh unanimously passed.)

Chair: Ms. Eshbaugh welcomed newly appointed member Dr. Frank Fortkamp.

Ms. Eshbaugh identified Bob Cianflone as a prospective Commission Member subject to appointment by Mayor Jones and ratification by the Council.

Mr. Stup indicated that he had received an e-mail from Mr. Ward that he could not attend the meeting.

New Business:

Informal Anonymous Complaint

Mr. Stup explained the anonymous submission and requested how the commission wanted the Complaint Process to be handled in the future. He explained how similar situations were handled in other jurisdictions based on his experience. All complaints are generally required to be written with a signature. Also, he discussed news articles with apparent Ethic Violations, the Request for Advisory Opinions, and dealing with situations especially for newly elected officials.

Messrs. Stup and Rose answered Commission questions.

After discussion, the following was the consensus of the Commission:

Ethics Commission Minutes
September 21, 2005
Page 2 of 5

New Business Cont.

- All complaints must be written with a signature and contact information.
- Staff is to draft a procedure for Request for Advisory Opinion, Filing a Complaint, and Waiver Request to be brought to the Commission for consideration.
- Staff is to draft a letter to be sent to the person affected by the Anonymous Complaint to advise them of the potential violation of the Ethics, and the procedure to use in the future. The letter is to become the Standard Document for this issue in the future.

Old Business:

Action Items

Review of Action Items from the last meeting.

Mr. Stup reviewed the status of the Action Items from the last meeting and answered Commissioner questions. The items included Election Campaign Contribution Disclosure Letter, EDC Contacts & EDC Letter, Annual Disclosure Form, Notification of Financial disclosure for Filing for Candidacy & List, Lobbying Registration Statement, Lobbying Report, and Disqualification Form

He explained that the first prospective candidate was mailed the letter of notification, and the letter was included in the Candidate Filing Instruction Package obtained by the other prospective applicants. The Front Desk Staff was instructed with regards to purpose of the Letter and that the Financial Disclosure is required to be filed with the returned application for Candidacy. The other items will be addressed and action under Old Business.

Annual Disclosure Form

Review and approval of draft Annual Disclosure Form.

Mr. Rose reviewed and discussed his draft Annual Disclosure Form. It is intended that the form be used for Filing of Candidate Package.

Messrs. Rose and Stup answered questions to include procedural questions of the Commission.

Decision

Mr. Haugh made a motion to approve the Annual Disclosure Form and Staff is to distribute it to the affected people; Dr. Fortkamp seconded the motion.

VOTE: Yea 3 Nay 0

Ethics Commission Minutes
September 21, 2005
Page 3 of 5

Lobbying Report Form

Review and approval of the Lobbying Report Form.

Mr. Rose reviewed and discussed his draft Lobbying Disclosure Form.

Messrs. Rose and Stup answered questions to include procedural questions of the Commission.

Decision

Dr. Fortkamp made a motion to approve the Annual Disclosure Form; Mr. Haugh seconded the motion.

VOTE: Yea 3 Nay 0

Lobbying Registration Statement Form

Review and approval of the Lobbying Registration Statement Form.

Mr. Rose reviewed and discussed his draft Lobbying Registration Statement Form.

Messrs. Rose and Stup answered questions to include procedural questions of the Commission.

Decision

Dr. Fortkamp made a motion to approve the Lobbying Registration Statement Form; Mr. Haugh seconded the motion.

VOTE: Yea 3 Nay 0

Disqualification Form

Review and approval of Disqualification Form.

Mr. Stup reviewed and discussed his draft Annual Disclosure Form. It is intended that the form be used for all Boards, Commissions, and elected bodies.

Messrs. Rose and Stup answered questions to include procedural questions of the Commission.

Decision

Mr. Haugh made a motion to approve the Disqualification Form and Staff is to distribute it to the affected people; Dr. Fortkamp seconded the motion.

VOTE: Yea 3 Nay 0

Ethics Commission Minutes
September 21, 2005
Page 4 of 5

Review of Ethics Ordinance

Review of the Ethics Ordinance and other jurisdictions Ordinances for potential revisions:

1. Section 2-3101 Applicability - After discussion, it was the Commission consensus that Section 21-1 of the City of Frederick Ethics Ordinance is to replace the current text.
2. Section 2-3102 Definitions – After discussion, it was agreed that this section would be revisited after the review of the entire ordinance and possibly during the review of each section. The following was the Commission’s consensus for revisions:
 - Insert “**City**” in all cases where “Town” is stated.
 - Department Head definition to be revised to agree with the current City Staff Structure.
 - The definitions of Town Employees, Town Inspector, and Town Official are not needed because for the new text for Section 2-3101.
 - Add the County Ethics definitions for **Business Entity**.
 - Add the City definition of **Gift** from Section 2-3201, and add the County language for Political Contributions. Conversely, delete the definition of “Gift” from said section.
3. Section 2-3401 Ethics Commission – After discussion, it was the Commission’s consensus that the following be revised:
 - Add revisions from ordinance to increase the members of the Commission.
 - Add language with regards to **Appointment of Commission Members**.
 - Add **Term Language** with staggered Terms, which a rough draft is to be discussed at the next Commission Meeting.
 - Delete “forms” from (a), and add “**Administrative Documents**”.
 - Replace (b) an (c), and insert **(e) and (f) from 21-2 of the City of Frederick Ethics Ordinance**.
 - Delete (d), and **replace it with (d) from 21-2 of the City of Frederick Ethics Ordinance**.
 - Add **(a), (b), (c), (g), (h), (i), and (j) from 21-2 of the City of Frederick Ethics Ordinance**.
4. Section 2-3201 Prohibitions – This section was not addressed due to lack of time. It will be moved to the October Agenda for review and discussion.

Commission Work Goals

Evaluation of Ordinance Review Strategy & Schedule.

Ethics Commission Minutes
September 21, 2005
Page 5 of 5

Old Business Cont.

The Commission reviewed the Ordinance Review Strategy & Schedule to amend it based on the current progress. It was their consensus that the following adjustments were to be made:

- No adjustments are required since Section 2-3201 Prohibitions was scheduled for discussion at both the September and October meetings. The Schedule will be revised to indicate the progress made to date.

Comments:

It was restated that the following would be completed for the next meeting:

- Staff is to draft a procedure for Request for Advisory Opinion, Filing a Complaint, and Waiver Request to be brought to the Commission for consideration.
- Staff is to draft a letter to contact the person affected by the Anonymous Complaint to advise them of the potential violation of the Ethics, and the procedure to use in the future. The letter is to become the form document for this situation.
- Staff is to distribute the Annual Disclosure Form to the affected people.
- Staff is to distribute the Disqualification Form with instructions to the affected people.
- Staff was instructed to schedule the Workshop with affected people for instruction for the use of the approved Forms, Filings, Procedures, and Requirements of the Ethics Ordinance.
- City Attorney to draft proposed revisions with regards to Commission Member Terms to be discussed at the next Commission Meeting.

Mr. Stup stated that Staff would work to update the Ethics Section of the City Web Site appropriately with new Forms, Policies, and Procedures.

Mr. Stup reminded the Commission that the next meeting is October 19, 2005 at 7:00 PM.

Adjournment

The meeting was adjourned at 8:51

Respectfully submitted,

Jamie Eshbaugh, Chair
Brunswick Ethics Commission